S.B.CRIMINAL MISC. BAIL APPLICATION NO.4538/2007
(Rabiya Bano alias Munni vs. State of Rajasthan)

DATE OF ORDER : Sept. 26, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Talat Bari, for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor for State.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned.

It is contended by the learned counsel for the petitioner that co-accused Mohammed Hanif, Mohammed Asif and Panja Sharif have been arrested by the police and all the articles belonging to the complainant have been recovered. Learned Public Prosecutor also does not dispute this fact and submits that as per the police investigation diary, the articles have been recovered by the police and "Fard" has been prepared. So far as other allegations are concerned, namely forging of documents etc., it does not prima facie appear that the petitioner has forged any document or used it as genuine.

Looking to the facts and circumstances of the case and having considered the oral arguments advanced by learned counsel for the parties, I consider it just and proper to grant

anticipatory bail to the petitioner.

Accordingly, the bail application filed by petitioner under section 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner Rabiya Bano alias Munni w/o Mohd. Hanif in FIR No.198/2007, Police Station, Gangasahar, Bikaner, she shall be released on bail for a period till the police concludes the investigation and files the challan provided she furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That she shall make herself available for interrogation by a police officer as and when required;

(ii)That she shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer and;

(iii)That she shall not leave India without the previous permission of the Court.

The petitioner shall surrender before the trial court on the date of filing of the challan.

(H.R.PANWAR),J.

m.asif/-